

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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CITY OF OSHKOSH,

Petitioner,

v.

Case No. 03-C-1147  
Appeal No. 05-3563

L.S.C. & BIBLE CAMP, CHRISTIAN  
LIBERTY ACADEMY, MISSION  
OF JESUS CHRIST, ALMIGHTY GOD;  
UNITED STATES OF AMERICA,  
INTERNAL REVENUE SERVICE; and  
WINNEBAGO COUNTY,

Respondents,

v.

OSHKOSH FAMILY, INC., as the Guardian  
of the Person and Estate of Russell J.  
Neumann; OSHKOSH FAMILY, INC., as the  
Special Administrator of the Estate of  
Helen M. Neumann,

Third-Party Defendants.

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**ORDER**

I recently granted the United States' motion for default judgment in the above-captioned matter. A nonparty, Donald Minniecheske, now seeks leave to proceed in forma pauperis on appeal.

Fed. R. App. P. 24(a)(1) provides that "a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court" and attach an affidavit detailing the party's inability to pay "in the detail prescribed by Form 4 of the Appendix of

Forms," his claim of entitlement to redress and the issues that the party intends to present on appeal. Upon review of this information, I may deny the motion to proceed in forma pauperis if I determine that the party is not indigent, that the appeal is not taken in good faith, or that the party is not otherwise entitled to proceed in forma pauperis. Fed. R. App. P. 24(a)(1), (a)(4); see also 28 U.S.C. § 1915(a)(3). "Good faith" is an objective standard. Coppedge v. United States, 369 U.S. 438, 446 (1962); Lee v. Clinton, 209 F. 3d 1025 (7th Cir. 2000). An appeal is taken in "good faith" if it is not clearly frivolous. Lee, 209 F.3d at 1026

Minniecheske has failed to include an affidavit detailing his inability to pay "in the detail prescribed by Form 4 of the Appendix of Forms."<sup>1</sup> Form 4 calls for information regarding the in forma pauperis movant's income sources, monies on hand and in various accounts, dependents, expenses, assets and debts owed the movant. In addition, the form calls for information regarding expected changes in income, liabilities, costs incurred in conjunction with the case, any other relevant financial information, as well as contact information, including the movant's age, education and Social Security number. Though Minniecheske filed an "Affidavit or Declaration in Support of Motion for Leave to Proceed In Forma Pauperis," his affidavit does not include the information prescribed in Rule 4. Thus, I will deny Minniecheske's request to proceed in forma pauperis on appeal.

I will also deny his request because it is not taken in good faith. "Only a party may appeal the ultimate decision" in a case. In re UAL Corp., 408 F.3d 847, 849 (7th Cir. 2005).

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<sup>1</sup>A sample form is available on the Seventh Circuit's website. See <http://www.ca7.uscourts.gov/forms/pauperis.pdf> (last viewed Sept. 24, 2005).

Minniecheske has never been a party to these proceedings and lacks standing to appeal. Thus, he does not act in good faith. See 28 U.S.C. 1915(a)(3); Fed. R. App. P. 24(a)(4)(B).

For the reasons stated,

**IT IS ORDERED** that Minniecheske's motion to proceed in forma pauperis is **DENIED**.

Dated at Milwaukee, Wisconsin this 3 day of October, 2005.

/s\_\_\_\_\_  
LYNN ADELMAN  
United States District Judge